IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 12 OF 2006
IN
CRIMINAL APPLICATION NO. 6853 OF 2005

Santosh Bhiva Barde ...Applicant

V/s

State of Maharashtra ..Respondents.

None for the applicant.
Mr. R.Y. Mirza, APP for the State.

CORAM: V.M. KANADE, J.

DATE: 8th March, 2006

P.C.:

1. Heard the learned APP for the State.

2. None appears for the applicant. On the last occasion also, none appeared on behalf of the applicant.

3. It is alleged that the applicant committed an offence punishable under section 377. The prosecutrix who was raped was a minor girl aged about 7 years of age. The trial court, while rejecting the application, observed that the accused had escaped from the custody of police and, thereafter, he was again apprehended by the police. The statement of the prosecutrix and the another child Komal clearly

indicates that the applicant had committed the said offence.

4. There is prima facie evidence against the applicant. This is not a fit case for grant of bail.

The application for bail is rejected.

5. It is made clear that the Trial Court shall not be influenced by any observation made by this Court while rejecting this application and it may not be construed as an expression of opinion on merits of the case.

6. Application is accordingly disposed of.

V.M. KANADE, J.